



FOR IMMEDIATE RELEASE

June 2, 2006

## FACT SHEET

### **SANDERS, AGUIRRE ANNOUNCE FILING OF STAY & APPEAL IN MT. SOLEDAD NATIONAL WAR MEMORIAL CASE**

As part of the continuing effort to exhaust all legal remedies to preserve the integrity of the Mt. Soledad National War Memorial, Mayor Jerry Sanders and City Attorney Mike Aguirre today announced the filing of a Motion to Stay and of a Notice of Appeal with the United States Court of Appeals for the Ninth Circuit.

The Stay will be filed on Monday while the Appeal was filed on Wednesday, May 31, on behalf of the plaintiffs, the City of San Diego and the Mount Soledad Memorial Association, Inc.

- **Motion to Stay:** The City will ask the Court of Appeals to Stay U.S. District Court Judge Gordon Thompson's May 3, 2006 ruling, pending an appeal. Judge Thompson has ordered the City to remove the cross by August 2<sup>nd</sup> or pay fines of \$5,000 per day. Mayor Sanders has said repeatedly that he respects the court's authority and that the City will comply with the ruling – and not incur fines – if the stay is not granted.

The City will ask that the matter be determined by July 5, 2006, so that the City can plan appropriately.

The Stay will allow the City to pursue an appeal at the Federal level as well as to continue pursuing its appeal of a related but separate matter at the State level.

- **Notice of Appeal:** The City is appealing Judge Thompson's ruling ordering the City to comply with the 1991 permanent injunction forbidding the permanent presence of a cross on public property. An appeal is expected to last from 16 to 24 months.

"The filing of this stay and appeal underscores my continuing commitment to do everything within the City's power to keep the memorial as it is," said Mayor Sanders. "This debate is not about the cross or a Christian symbol, as some would suggest. This is about preserving a nationally registered war memorial that is an integral part of San Diego's heritage. The cross has been here for almost 100 years and the war memorial for more than 50 years. It is part of our social and cultural fabric."